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OCA#86-1612
7 May 1986

MEMORANDUM FOR THE RECORD:

SUBJECT: Senate Foreign Relations Committee hearing on various anti-terrorism bills: May 7, 1986

1. Major focus at the hearing was placed on H.R. 4151, Sen. Res 190 and S. 1941, which are the leading bills on anti-terrorism. First to testify was Sen. Denton, who testified on his bill H.R. 1941, which included a requirement for the State Dept. to draw up a list of countries that sponsored terrorism, to be reviewed and updated annually. A list of sanctions against these countries would be maintained. Such sanctions could be waived only in the interest of national security. Private investment and commercial contact with these countries would be cut off. The President would be required to negotiate with our allies to obtain similar commitments from them against these countries.

2. Sen. Spector testified on S. Res. 190 - his bill making terrorism an international crime, such as piracy. Whenever and wherever a terrorist is apprehended he would automatically be subject to the jurisdiction of an international tribunal. Spector's bill passed the Senate in February. In addition he supported the bill that would make a terrorist act against an American citizen anywhere in the world congnizable by a U.S. District Court. The Senator then mentioned the televised interview of the terrorism Abu Abbas run by ABC. He said that he did not want to make any final jugements on the propriety of this act by ABC network.

3. Ambassador Oakely and Undersecretary Borg represented State's view. Oakley opened by speaking to the US/UK extradition treaty that was pending before the Senate, on which Sen. Ligar pledged early action. Next, Oakley addressed the Tokyo statement on anti-terrorism and the remarkable unity shown by all the signatories. Options available include

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military and economic. He pointed to several steps the Italians had taken with repect to the reduction of their presence in Libya - and added that there were a number of things that these countries were doing that could not be mentioned in public. When addressing the bill H.R. 4151, State witnesses expressed support for sec. 503 a rewards program for information leading to terrorists capture and coviction; and sec. 508, on terrorism related assistance. They supported Title VI concerning nuclear terrorism. On the other hand they opposed that provision of the bill which would permit the deletion of the place of birth on a persons passport, saying that persons could use this to hide their identity for crimianl or terrorist purposes. State strongly supports victims of terrorism compensation.

4. While State agrees with the goals and objectives of S. 1941, it opposes the bill because authority already exists to accomplish these objectives, the International Security Assistance and Development Cooperation Act of 1985. Sen. Denton's bill would reduce flexibility in dealing with these matters. For the same reasons State opposed S. Res. 190 because there are specific Conventions already dealing with this issue. Moreover, an intenational tribunal to handle terrorist cases is less attractive than the forum of the country that was injuried by the terrorist act. Finally, State testified in favor of S. 1429, which would make it a felony to assault an American citizen anywhere in the world. This fills in a number of gaps in the current law.

5. At the end of the hearing Sen. Lugar announced that H.R. 4151 would be marked up on 14 May 1986

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